



Background to the lobbying against changes to the registration of children for home education in NSW

Over the past year and a half or so the Home Education Association has been hearing from their members about seeming major changes in the home education registration process in NSW. Many home educators have experienced difficulties with registration and with Authorised Persons (APs) requesting documentation and discussing rules about home education that have never been heard of before. The HEA sought clarification from the Office of the Board of Studies (OBoS) about whether there had been changes in policy and were told that there had not been any changes. They maintained this stance until the new 2013 Registration for Home Schooling in NSW Information Package (2013 Information Pack) was released in August. This Information Package provided an explanation for the difficulties in registration that home educators were experiencing, and detailed major changes in policy. These changes probably began to be implemented directly after the 2011 Information Pack was released and it appears that the 2013 Information Pack is considered a “clarification” of policy rather than new policy by the OBoS. Nonetheless the 2013 Information Pack constitutes real change in the regulatory environment for home educated families in NSW. The HEA wishes to empower its members (and others) to lobby the Minister for Education to have these changes retracted and to institute consultation with home educators about the regulation process.

These changes include: Removal of recognition of different styles of home education, addition of a requirement for home educators to provide written plan for recording, teaching and assessing that is linked to the outcomes of the NSW Syllabus, removal of registration via documentation, addition of a requirement to only teach to the years for which children are registered, change in the process so that initial registrations be a maximum one year and institution of no minimum registration, addition of an allowance for “spot checks” of home educators, addition of a requirement that all home education occur in the home and be taught by the parent, an overall reduction in flexibility and a change in attitude from APs towards home educators. There has been no consultation with home educators about these changes.

The HEA has developed this background document on the changes and associated letter writing guide with the purpose of assisting members of the HEA, members of the wider home education community, and other supporters of home education to understand the changes in policy and to lobby to have the policy changes withdrawn. The HEA would encourage members to share this background document and letter writing guide with non-HEA members with the understanding that they are shared in their entirety and credit to the HEA retained. Those who wish to support the HEA in this area are also invited to become members of the HEA.

The following is a summary of these changes as reported by home educating families and as recorded in the 2013 Information Pack. The content of the Information Pack is important since the OBoS considers that, “In NSW, home schooling is subject to the registration requirements and processes outlined in this package.”

Removal of recognition of different styles of home education

The 2011 Information Pack contained the following description of styles of home education: *“As with other forms of education there is no single approach to home schooling. Some home educators have a structured approach that is based upon a set timetable and formal instruction Others prefer an approach that is less formal and responds to the child’s developing interests and needs.”* These sentences have been

removed from the 2013 Information Pack. It is evident from the other changes and the ways in which APs have been interacting with families that the OBoS does not see natural learning approaches as valid and wishes to make it very difficult for those who are completely or partially following a natural learning approach to be registered.

"I felt I was prepared for my visit with the BOS AP, I had all of my record keeping and the kids works samples collated and linked to all key learning areas. The AP was happy with this, she was unhappy that I didn't have a future program, I told her that we don't plan as we are natural learners/unschoolers and that we would continue as we had done so in last two years of registration. Due to me not having a program she told me that she would have to reject me.

I asked to have the decision reviewed and I created a program listing things that we were either currently working on or intended doing in the near future with it linked to the key learning areas that it would cover.

I then had a second AP come to review my application, she was happy with the things my children had been doing even stated that some of the things they had been doing were grade 8 & 9 work (my kids are 11 & 12). When I showed her the future program that I had made for the kids she told me I didn't have it linked to the outcomes. I told her that I had never had anything linked to outcomes each of the last three times I had registered. I asked her if something had changed and she said no. After this she told me she would not be able to register me due to my not having the work linked to outcomes."

Addition of a requirement for home educators to provide written plan for recording, teaching and assessing that is linked to the outcomes of the NSW Syllabus

The 2011 Information Pack required home educators to have a plan for their child's educational program, for keeping records and for recording achievement and progress. It provided descriptions of each key learning area in Primary education called Foundation Statements and suggested that they constitute the minimum curriculum requirements (which is what home educators are required to teach to in the 1990 Education Act). In practice many home educators found these descriptions helpful in developing learning programs and in presenting evidence of delivery of their educational programs to their children. The 2013 Information Pack has removed these descriptions of the key learning areas and instead, throughout the document states that home educators are required to indicate in their planning and record keeping how they are meeting or intending to meet each learning outcome in the NSW Syllabus. Some examples of where this has occurred.

"the educational program identifies the intended learning outcomes based on the relevant Board of Studies syllabuses and relevant content"

"written a plan or outline of the educational program you intend to deliver to your child including the intended learning outcomes and content"

"the written plan for the proposed educational program showing how it is based on Board of Studies syllabuses and identifies intended learning outcomes and content"

"the suitability of the proposed educational program, including the intended outcomes and content, to cater for the identified learning needs of the child"

There is also now a requirement for a "written plan" (as opposed to just having a plan) for recording and assessing. Again this increases the amount of paperwork that home educators are required to produce.

"(e) prepared a written plan or method for recording the teaching and learning experiences to be completed by your child"

"(f) prepared a written plan or method for assessing and recording your child's achievement and progress in each course or key learning area to be studied"

Each subject has up to 30 outcomes for each stage, which are written in difficult and complex language. This makes providing written plans for meeting and reporting each of these outcomes difficult and time consuming. Requiring home educators to provide plans and reporting at the detail of outcomes is a dramatic change to what was previously required and is excessively burdensome if APs follow it to the letter. This is the change that is having the biggest impact upon home educators. Natural learners are those that are most severely affected but all home educators are affected as they are asked to provide detailed plans and reporting on each outcome in the NSW Syllabus. Experienced as well as new home educators are affected by this change. Home educators with more than a decade of experience have received three month registrations or have been refused registration because they have not provided documentation to the level of Syllabus outcomes. This change requires home educators to keep records far in excess of those who are employed (and paid) by the state to educate children in schools as no teacher is required to keep records of when and how each child meets each learning outcome in the Syllabus. Furthermore, to keep such records is extremely time consuming.

"I recently had a registration visit and whilst I received one year registration I was also given instruction on how I should improve my record keeping and assessment for the next reregistration. I was told that I should keep a diary and record every day what we have done/completed and then on the far side of the page, with a ruler, I should mark a vertical line the whole length of the page. Within this column I was to write whether the activity was completed with ease or needs to be revisited. I was then to insert the codes for the educational outcomes of the NSW Syllabus for each activity. I was told I could do this on my "down time, in the evening watching TV"- I have 5 children. I know that other home educators have been told to do the same thing by this AP. This is too much for me to do and I have been feeling badly about not doing what the AP told me to do."

Removal of registration via documentation

Experienced and competent home educators have long had the option of reregistering via documentation rather than by home visit. Registration via documentation involved home educators sending information about the program delivered and future plans for education delivery to the OBoS. The 2011 Information pack states, *"In some cases, following a successful two year period of registration and the recommendation of the previous Authorised Person, home educators are notified by the Home Education Unit to apply for renewal of registration by documentation."* Experienced home educators were encouraged to take up the option of reregistration via documentation but abruptly this option was removed in mid 2012. The OBoS maintains that the option remains in exceptional circumstances but the 2013 describes registration via documentation as being available in a situation that is unlikely to ever occur. The 2013 Information Pack states, *"In some cases, for experienced and successful home schoolers and following a recommendation from the previous Authorised Person, the Office may consider assessing an application by documentation. Assessment by documentation will not be recommended where a home visit has not occurred in the past two years."*

"I have been home educating for 15 years. I have always received the maximum duration of registration. For some years I have predominantly registered via documentation. Registration via documentation suited me and I received positive comments from the AP who assessed my application. I was even asked whether my documentation could be used in training APs to show them one good way in which documentation could be provided. This year I was expecting to be doing registration via documentation again however, when I received my letter from the OBoS I was surprised to read that the letter was instructing me to reregister via home visit. I contacted the OBoS to ask about why I was not able to reregister via documentation. I explained that my youngest daughter had come to our family as a foster child a few years ago and would likely find the assessment of our home education stressful. I thought it likely that my daughter would find the visit by an authorised person not dissimilar to visits by social workers to her previous family prior to her removal from their care. I was asked to email my request to the OBoS, which I did. In reply I received a letter by registered post informing me that I had to reregister via visit and that my children had to be present. I understood the form of communication as a threat, I was being put on notice. I agreed to undertake registration by home visit. The AP was lovely, the visit went smoothly but my daughter fell to pieces after she left in a massive melt down and could not be comforted for a long time. I will not subject her to this experience ever again. I cannot understand how it is appropriate to unnecessarily traumatise a child like my daughter. If they insist on registration by home visit in the future I will ensure that she is not present. I have had it confirmed that while there is an "expectation" that children be present at the home visit this cannot be enforced. I do not understand why there cannot be flexibility in such matters"

Addition of a requirement to only teach to the years for which children are registered

From around 2010 the OBoS introduced a policy that required children to be registered for a particular year or years of schooling. Many home educators were bemused with the idea of registering home educated children for particular years of schooling when they had never applied the concept to their child's education before and saw no practical relevance for it. Whilst in some cases APs have been persuaded to register children for "primary" or "secondary" schooling, in most cases children have been registered for particular years of schooling. Years of registration is often seemingly based primarily upon the child's age rather than their stage of learning. It was common for APs to tell home educators that the years of registration was of no significance that children could be taught at any level. However, in recent times home educators have been told that they must only teach to the school years for which they are registered and that they cannot allow their child to advance beyond the upper limit of their registration. Home educators were incredulous at this suggestion but the 2013 Information Pack makes it clear that this is a genuine policy of the OBoS stating, *"You must notify the Home Schooling Unit if you decide to discontinue home schooling or change the home address as specified on the child's certificate of registration, or if you intend to deliver an educational program for Years of schooling other than those specified on the certificate of registration and/or you change your contact details."* And *"If, based on your child's identified learning needs and achievement, you wish to deliver an educational program in advance of the Years of schooling specified on the child's certificate of registration, you must notify in writing the Home Schooling Unit providing details of the proposed change. On receipt of such notice, an Authorised Person will contact you to arrange a mutually convenient time to assess the proposed new educational program. If the proposed educational program satisfies the Authorised Person that the requirements for registration will be met, a certificate of registration specifying the new Years of schooling will be issued"*

"I applied to reregister my children, including my 16 year old daughter, for home education in 2012. My daughter had accelerated her learning in both science and maths and had in fact already completed year 12 science. The AP was very clear that I should not have allowed her to accelerate, that it was unacceptable that she had worked ahead of her year level in those two subjects. I argued with her about it and won but I imagine that with the new policy APs will be able to require home educators to not allow their children to move ahead of their year of registration."

Change in the process so that initial registrations be a maximum one year and no minimum registration

For many years the standard registration period was for six months to two years. This is described in the 2011 Information Pack which states, "*Registered home schooled children are authorised to be home schooled in accordance with the conditions specified on the relevant certificate of registration including the period of time (from six months to two years).*" However, for some time home educators have been told that the initial registration period can only be for one year. This is reflected in the 2013 Information Pack, "*If an applicant for initial registration currently has another child registered for home schooling and that child has been registered for at least two successive periods of the maximum two years for each period, consideration may be given to an initial period of registration of more than one year for another child.*" The OBoS is applying this principle not just to those who are new to home education but also to those who have had breaks in registration due to children attending school or due to lapsed registration and to the registration of subsequent children. In some cases APs have told home educators that they wanted to give them two years registration but were not allowed to do so. In addition the 2013 Information Pack makes no mention of a minimum duration of registration and many home educators (including those with many years of experience and successive two year registrations) are receiving three month registrations. Some have received successive three month registrations.

"We registered our two older children for home schooling in January 2012 and received approval for a two-year registration period at our first interview.

Our youngest turned 6 this month (August 2013). After submitting paperwork for his registration in May 2013, we had our interview with an Approved Person in July 2013. At this interview I was informed that a two-year initial registration was no longer allowed unless we had already had an initial and follow-up interview with other children. When I questioned the change our approved person showed me hand written changes/notes in his current AP Handbook/Policy Book. Our AP is very supportive and friendly and told me that if it wasn't for the new changes we would have received a two-year registration based on the work samples and programming I had provided."

Addition of an allowance for "spot checks" of home educators

The OBoS inserted into the 2013 Information Package a policy whereby "spot checks" of home educators may occur in between registration visits. The 2013 Information Pack states, "*From time to time the Office may monitor compliance with the requirements for registration. When this occurs, an Authorised Person contacts the parent to organise a home visit to review evidence relating to compliance with the requirements for registration.*" Whilst the 1990 Education Act contains a provision for the checking of records within the registration period, this section of the Act has never been applied to the knowledge of the HEA. It is unclear under what circumstances such spot checks might occur but home educators have been warned that they must be prepared for a visit at any time.

"When I was registered I was told I should keep a daily diary and he said an inspector could come any day to look at it so I should keep it up to date"

Addition of a requirement that all home education occur in the home and be taught by the parent

Many home educators have been bemused when filling out their registration forms to have to nominate the address “*where home schooling will occur.*” Most home educators, to a greater or lesser extent, engage in home education outside of the home. However, in recent times APs have been stating that educational activities that occur outside the home should not be counted towards a child’s educational program and it has also been suggested that it is not appropriate for outside tutors or classes to contribute to a child’s home education program. This is reflected in the 2013 Information Pack, which states, “*Registration for home schooling requires that parents accept responsibility for developing, implementing and assessing their child’s educational program as based on Board of Studies syllabuses. The educational program upon which a child’s registration is based must be delivered in the child’s home.*” This requirement is described in more detail in the AP’s Handbook, which makes it explicit that any activities that occur outside of the home are supplemental to the home education program. The AP ‘s Handbook states that, “*Registration for home schooling requires that the educational program be delivered in the registered child’s home. In assessing an application for home schooling registration, an Authorised Person must be satisfied that the education of the child, as required for registration, including for all key learning areas, will occur in the home. The home schooling program may be supplemented by extracurricular activities, participation in tutorial groups and/or excursion type activities.*” It is interesting that it was once the case that the OBoS encouraged home educators to ensure that children not be cloistered within the home and that they received ample opportunity for “socialisation” but this policy actively discourages home education in the community.

It has also been made explicit that a family cannot be travelling from the home address for more than the normal school holiday period and remain registered for home education. The 2013 Information Pack states, “*If you are planning to reside temporarily outside NSW or travelling for periods longer than the typical school holiday periods, you may be eligible to apply for distance education through the NSW Department of Education and Communities.*” Many home educators who were planning to travel as a part of their home education program have been told that the travelling environment is not suitable for home education, that registration for home education is not available to them for that reason and that the family should apply for distance education. It is the experience of home educators that travelling can be an ideal environment for home education and that enrolment in distance education whilst travelling may impede learning. Given their commitment to their children’s education, many families who are travelling have no choice but to do so unregistered.

“I was reregistered in April of 2013. During my visit I told the AP about the science classes that my children attend at a local high school after school hours and a writing class that my children attend with some other home schoolers. I explained that these classes were just a portion of my children’s education in these subjects. He took issue with both of these classes. He said that neither of these classes could count towards my children’s program for the purposes of registration because I was not teaching them. He said that I had to be the one delivering the education or it didn’t count. “

An overall reduction in flexibility

Overall the policy changes that have been introduced reduce flexibility. Since the ability to be flexible in the delivery of education is a strength of home education reducing flexibility has great potential for reducing the quality of education provided to children. Many APs appear to be seeking to enforce a “school at home” approach. For example, whilst there has long been an expectation that home educated children devote a similar time to their education of children at school, most families have not had a problem with this because they consider many everyday activities to be learning activities and it is therefore easy to exceed the daily hours of school via home education. However, recently as home educators have been required to provide extensive plans for future learning based on Syllabus outcomes, APs have been seeming to narrow the definition of what constitutes education, requiring

detailed timetables with specified time devoted to overall learning and specific subjects. It is of note that the 1990 Education Act states that time devoted to the delivery of a syllabus cannot be mandated.

"I was told I had to spend the same amount of time they spend at school on each subject, and that they are meant to be learning "taught" between 9-3. And all this has to be shown clearly subject by subject on a detailed timetable."

A change in attitude from APs towards home educators

Many home educators have noticed a change in attitude of some APs towards home educators. It seems that rather than APs considering whether home educators are providing their children with a good education, the focus is determining whether home educators are complying with OBoS policy. The new policies causing the most concern have been developed and implemented without *any* consultation with home educators and clearly do not reflect an understanding of home education. Home educating parent's focus is on the wellbeing and education of their children not the implementation of policy. The focus on compliance with policy (the tick the box approach) rather than looking at children as people is the source of much of the conflict between APs and home educating families.

It is possible that some of the changes in attitude and policy within the OBoS are related to child protection issues. In recent years "Educational Neglect" was inserted into NSW child protection legislation as a type of child abuse (Children and Young Persons (Care and Protection) Act 1998 http://www.austlii.edu.au/au/legis/nsw/consol_act/caypapa1998442/). In addition the 2009 Keeping them Safe Report called for a multi organisational approach to preventing vulnerable children from "falling between the cracks" and has resulted in many organisations changing policy in order to protect children (http://www.community.nsw.gov.au/docswr/assets/main/lib100040/keep_them_safe.pdf). Some of the policy changes are almost certainly directly flow from this legislative change and report. For example, removal of registration via documentation means that children will likely be sighted at registration visits and extreme abuse or neglect identified. In addition, the use of registered post mail in response to requests to OBoS provides confirmation of receipt of communication in the case of a family being taken to court. It is possible that the OBoS insistence that home educators provide information about their planning, assessment and reporting to the level of each outcome is based on the misunderstanding that the insertion of "educational neglect" into child protection legislation requires them to more closely monitor how home education children are being taught. In fact "educational neglect" is defined as a child not attending school or being registered for home education and bears no relation to the quality of a child's education. Furthermore, some APs have seemingly taken on board the idea that they are child protection workers and the HEA has received reports of families feeling under intense scrutiny and being asked questions unrelated to home education. The case of the death of "Ebony" has been linked to home education and mentioned to several home educators by APs or officers of the OBoS. Whilst "Ebony" did not attend school and her father told child protection workers that they were going to home educate the children, she was never home educated, never registered for home education and never would have been registered for home education had an application to home educate ever been made (A report about her death can be read at http://www.ombo.nsw.gov.au/data/assets/pdf_file/0012/3360/Special-Report-Death-of-Ebony-Oct-2009.pdf, it is a disturbing account however, it outlines why educational neglect was added into child protection legislation and may explain why increased scrutiny of home educators is being sought in NSW).

The state has a responsibility to protect vulnerable children from abuse and neglect and families have used absence from school as a method to hide child abuse or neglect. However, whether all home educating families should be subject to increased scrutiny is questionable. For instance, registration via documentation was not ever available to everyone, it was only ever available to families where

APs were confident in their ability to home educate, and therefore one may presume parent, successfully. Furthermore, it is not acceptable for all home educating parents to be treated as if they are at high risk of abusing or neglecting their children simply because they are home educating when there is no evidence that this is the case.

Home educators as a group are parents who are dedicated to their children and their children's education. Whilst some oversight of home education is necessary under the 1990 Education Act this does not mean that home educators should be treated with suspicion and as if the State, in the guise of APs and the OBoS, is better able to ascertain the best interest of the child than the parents. Home educating parents should be treated with respect and valued as contributing to society by taking on the responsibility of educating their children. Furthermore, the State should consider how they might assist parents in this important undertaking.

"I have been a registered home educator for around a decade. Prior to our most recent registration visit, the Approved Persons were encouraging and looked for the good in the home education work that had been done. They were approachable and seemed delighted to meet the members of our family. In the past I had a track record of receiving registration periods of two years. At this most recent visit I felt like I was under a forensic microscope, and a task to be processed. The AP was eagerly on the look-out for anything that didn't comply with this AP's understanding of the registration requirements. Granted, there were shortcomings, but I had written a full explanation as to why we had focused on vocational matters and spent less time on some mandatory subjects. We were informed that the vocational achievements were good, great even, but they didn't count at all towards registration approval. As part of the registration documentation prepared, copies of external examination results (including those covering the subjects she was concerned we hadn't covered enough of) were included. These showed that compared to peers, this home educated child was visibly doing better than average, and had done so for several years. While these test results were noted by the AP, they did not carry any weight in the AP's estimation. To have such achievements, vocational and examination, -which we were so proud of- dismissed like that was crushing. Registration visits are always stressful, due to all the preparation, cleaning up and setting up, and it takes a while to wind down after them. This visit took much longer to wind down from, even six hours later I was still having trouble mentally focusing on anything and to my distress I learned that my teenager (the subject of the re-registration) was experiencing the same thing. No child or teenager should have to go through an experience with that kind of outcome. The official result of the APs visit was a three month registration, mostly because some of the mandatory subjects had not been prioritized. The impression was also given that unless a learning experience was noted in a diary then there was no proof that it actually happened. Reading lists and documentary lists were not sufficient. Going through another registration process so soon is not something I relish at all, and it is sadly weighing just as heavily upon the subject of the re-registration."

Making registration for home education stressful and difficult

Not every home educator has been greatly affected by these changes. For some their practice of home education has naturally aligned with what the OBoS is demanding. For others, the APs who have assessed their application have applied a common sense approach and have prioritised the quality of the child's education over OBoS policy. However, for those whose home education practice is in conflict with OBoS policy, and who have had an AP who prioritises adherence of policy over the wellbeing of children, the changes have been very unpleasant. The result has been home educators receiving repeated short durations (as little as three months) of registration and rejections of registration application (or more commonly requests that the applicant withdraw their application since refusal of a registration application allows applicants to appeal the decision at the

Administrative Appeals Tribunal), extreme stress and excessive amounts of time spend on planning and record keeping and parents being forced to teach their children in ways that they do not believe is in their best interests. The HEA has heard from literally dozens of registered home educators who are considering how they might avoid registration in the future (drop out of the system and home educate unregistered or move states) in order to avoid the onerous requirements of OBoS.

No consultation on changes

As previously mentioned, the OBoS has introduced these changes to the registration process without any consultation with home educators. At this point they are maintaining that the changes do not constitute new policy but are simply clarifications of existing policy. It is hoped that this documents makes it clear that there have been major changes in policy in the registration of children for home education in NSW. The OBoS has made a major mistake in not consulting with home educators about these changes.

The last time that major changes to home education were proposed it was a change in the law that was presented to parliament in 1998. With vigorous opposition from the home education community this legislation was withdrawn, largely because there had not been any consultation about the proposed changes with the home education community. At the time, the then NSW Shadow Minister for Education and Training, Stephen O'Doherty spoke in parliament saying, *"Second, as I have said to home schoolers and now put on the record of the Parliament, when the coalition is in government it will consult with home schoolers on guidelines, which will probably be given force by regulation, that reflect the new character of home schooling. The coalition will not introduce guidelines or regulations which try to impose a school-based model on home schooling, which is a different form of education. The coalition does not have a preconception that home schooling must be like the education received in a State school for it to be valid. The coalition understands why parents prefer home schooling. They strongly believe that conventional schools do not provide the best education for their children. The State has a responsibility, together with parents, to ensure that children get the best form of education. The Act enshrines that parental responsibility, and the role of the State is to support parents in their choice. Guidelines or regulations that seek to limit home schooling and impose a Big Brother model which operates from the top down, a model that includes the regulation presented by the Minister, are inconsistent with a belief that the State should support parents in their choice and not impose its will on them."*

Whilst it is 15 years since these statements were made on behalf of the Liberal/National Coalition there is no reason for home educators to expect that the Coalition has changed its policy about the necessity of consultation with home educators about policy affecting the home education of our children. We are in a good position to demand to have the current policy withdrawn and for consultation to be implemented. Please write letters to our state legislators and assist the HEA in lobbying to withdraw the changes in home education policy that are causing so much angst for home educators. The letter writing guide associated with this background document has been developed to assist you in writing such letters.